

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMANDA JUMP,

Plaintiff,

v.

MEYER NJUS TANICK, PA.,

Defendant.

Case No.: 1:19-cv-05336

Honorable Thomas M. Durkin

**AGREED MOTION
TO REASSIGN RELATED ACTION PURSUANT TO LOCAL RULE 40.4**

NOW COMES Defendant Meyer Njus Tanick, PA (“MNT”), by and through its attorneys, Segal McCambridge Singer & Mahoney, LTD., and pursuant to Local Rule 40.4 moves for an order reassigning the case *Amanda Jump v. Meyer Njus Tanick, PA, 19-cv-05336* to the calendar of this Court. In support, Defendant states:

1. Plaintiff Amanda Jump filed the instant action on August 8, 2019 and it was assigned to the calendar of the Honorable Judge Thomas M. Durkin. Plaintiff’s complaint alleges a violation of the Fair Debt Collection Practices Act (“FDCPA”), specifically 15 U.S.C. §§ 1692e(3), 1692e(10), and 1692f. *See* Plaintiff Jump’s Complaint (attached as Exhibit A).

2. The related case of *Maria Villalobos v. Meyer Njus Tanick, PA, 19-cv-00545*, was filed in the Northern District of Illinois on January 28, 2019 and assigned to this Court. The Plaintiff in *Villalobos* is seeking virtually identical relief against the same Defendant. *See* Plaintiff Villalobos’s First Amended Complaint (Dkt. 23; Attached as Exhibit B).

3. Local Rule 40.4(c) provides that related cases may be reassigned to the court with the first-filed of the related actions. Local Rule 40.4(a) provides that a “related” action is one in which one or more of the following conditions are met:

- (1) the cases involve the same property;
- (2) the cases involve some of the same issues of fact or law;
- (3) the cases grow out of the same transaction or occurrence; or
- (4) in class action suits, one or more of the classes in the cases is or are the same.

4. The *Jump* and *Villalobos* actions satisfy the criteria for relatedness specified in Rule 40.4 as the complaints are nearly identical. Each complaint centers on a debt collection letter sent by Defendant and signed by attorney Elila Civelli; each alleges that the collection letter violated 15 U.S.C. §§ 1692e(3), 1692e(10), and 1692f because it implied meaningful attorney review where there allegedly was none; and each seeks the same relief and damages. *Compare*, Ex. A *with* Ex. B.

5. Conditions for reassignment are met pursuant to Local Rule 40.4(b) in that:

- (1) both cases are pending in this Court;
- (2) the handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort;
- (3) the earlier case has not progressed to the point where designating a later filed case as related would be likely to delay the proceedings in the earlier case substantially; and
- (4) the cases are susceptible of disposition in a single proceeding.

6. Although Local Rule 40.4(c) provides that, generally, motions for reassignment should be brought after responsive pleadings are filed, the instant motion is brought in the interest of judicial

economy to facilitate avoidance of duplicative effort and time by the litigants and by separate judges within this district. To wit, this Court has already ruled on Defendant's Motion to Dismiss in *Villalobos* and Defendant anticipates filing a similar motion in response to the plaintiff's complaint in *Jump*.

7. The *Jump* and *Villalobos* actions are each in the preliminary stages of litigation.

8. Counsel for MNT has conferred with counsel for Plaintiff Amanda Jump and the parties agree to reassign the *Jump* matter to the calendar of this Court as a related case under Local Rule 40.4

WHEREFORE, Defendant Meyer Njus Tanick, PA respectfully requests this Honorable Court enter an order finding that the criteria for relatedness and conditions for reassignment under Local Rule 40.4 have been met, and directing that *Amanda Jump v. Meyer Njus Tanick, PA, 19-cv-05336* be reassigned to this Court.

Dated: August 21, 2019

Respectfully Submitted,

SEGAL, MCCAMBRIDGE SINGER & MAHONEY, LTD.

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